

THE HARMAN FIRM, PC

Attorneys & Counselors At Law

www.theharmanfirm.com

May 20, 2015

VIA EMAIL and ECF (ALCarterNYSDChambers@nysd.uscourts.gov)

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, New York 10007

**Re: *Hernandez v. The Fresh Diet et al.*, 12 CV 4339 (ALC)(JLC)
Hernandez v. The Fresh Diet et al., 15 CV 1338 (ALC)**

Dear Judge Carter:

We represent Plaintiffs in the above-referenced actions involving unpaid wages. Pursuant to Your Honor's March 20, 2015 Mediation Referral Order, the parties were to submit a joint status report on March 18, 2015. However, we were unable to do so and sought an extension to make continued efforts to confer with Defense counsel on a joint letter. In spite of our repeated efforts over the last week, we have received almost no cooperation from the various attorneys representing Defendants in preparing a joint letter to the Court; most have simply not returned our phone calls or responded to emails. We have, therefore, prepared a status report from the Plaintiffs.

A mediation is scheduled for June 10, 2015.¹ Walker G. Harman, Jr. and Ronnie L. Silverberg of The Harman Firm, PC represent Plaintiffs Marquis Acklin, Konate Bengaly, Kenneth Chow, Irving Collado, Juan Correa, Wilton Dardaine, Juany Guzman, Fernando Hernandez, Cecilia Jackson, Michael Lattimore, Michael Rodriguez, Brandon Rose, Andres Salas, and David Williams. We have also repeatedly made efforts to coordinate a telephone conference with Defendants' various attorneys in an effort to clarify material issues as much as possible in anticipation of the mediation; we received little cooperation in this regard as well.

The Harman Firm, PC presently is in the process of withdrawing from representing Teresa Jackson and Bryant White, and we neither anticipate representing them nor negotiating on their behalf during the June 10, 2015 mediation. Yesterday, a motion to withdraw was filed with respect to Ms. Jackson and Mr. White. We respectfully ask that the Court act as quickly as possible on this motion so that all counsel will have a clear idea of the claims that are being negotiated at the June 10 mediation.²

¹ This afternoon, we received a request from one of Defendants' attorneys to adjourn the mediation pending the Court's ruling on the motion to withdraw. Plaintiff would not consent to that request.

² As our motion makes clear, we are unable to negotiate settlements on behalf of Ms. Jackson or Mr. White.

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Howard I. Rhine, Esq. and David J. Sack, Esq. of Feder Kaszovitz LLP represent Defendants The Fresh Diet Inc. and Innovative Food Holdings Inc. Jeffrey A. Meyer, Esq. and Aaron N. Solomon, Esq. of Kaufman, Dolowich, Voluck & Gonzo LLP represent Defendants Syed Hussain, Judah Schloss, Zaimi Duckman, Late Night Express Courier Services, Inc., and the Fresh Diet—NY Inc.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Walker G. Harman, Jr.", is positioned above the printed name.

Walker G. Harman, Jr.

cc: Howard I. Rhine, Esq. (via email [hrhine@fedkas.com])
David J. Sack, Esq. (via ECF)
Jeffrey A. Meyer, Esq. (via ECF)
Aaron N. Solomon, Esq. (via ECF)